Remarks

The present response is to the Office Action mailed in the above-referenced case on August 07, 2006. Claims 43-51 are presented for examination. Claims 43 and 46 are rejected under 35 U.S.C. 112, second paragraph. Claims 43, 46 and 49 are rejected under 35 U.S.C. 112, second paragraph. Claims 43-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Huck (US 6,985,576).

In response to the Examiner's 112 and 102(e) rejection of applicant's claims, applicant herein amends the claims to clarify them and correct errors specifically to overcome the 112 rejections. Applicant herein provides arguments which clearly show that all the limitations in applicant's claims are not taught or inherent in the art of Huck.

Regarding the 112 rejection on page 2 of the present Office Action, the claims are herein amended to overcome the issues presented in item 4. Regarding the 112 rejections in item 5. a-g, applicant herein amends the claims to overcome the issues in items a-b, and e-g.

Regarding item 5c of the 112 rejection, it is explained in applicant's specification that there are a plurality of IMPP servers having proprietary protocols, for example, IMPP service provider A (server 1022) is adapted as a communication server of a provider such as the well-known AOL™ IM service. IMPP service provider B (server 1023) is adapted as a communication server hosted by a service other than AOL™ such as, perhaps MSN™. Moreover, there may be other IM servers present in this embodiment representing still other IM providers, of which there are many known without departing from the spirit and scope of the invention. The inventor provides 2 known examples and deems them sufficient for the purpose of describing the present invention in an enabling manner. Applicant points out that the sender and receiver of actual IM protocols must have matching software and capabilities installed on each others machine to enable accurate IM communication.

Regarding item 5d the Examiner asks where the agent data resides. Applicant does not wish to limit the physical presence of the data as it may reside in a processor at

the communication center or in the data-packet-network and is not necessarily important to the invention.

Regarding the 102(e) rejection of applicant's independent claims 43, 46 and 49, the Examiner states; "Huck teaches two or more proprietary IM servers in a data-packet-network (Fig.1, element 20, col. 4, line 3-30, "The system 10 further includes a web server 20. Although shown as a single component, the web server 20 may include one or more components. The web server 20 is a computer including components typical of web servers, e.g., such as RAM, ROM, a processor, hard drive, floppy drive, tape drive, Zip .TM. drive, CD-ROM, communications hardware, etc., and runs a multi-user multi-tasking operating system such as LINUX or UNIX, for example. Software is installed on the web server 20 to support chat, collaboration, e-mail, web phone, etc.)

Applicant argues that Huck actually fails to teach an Instant Message sever as disclosed in applicant's invention. As mentioned before, IM is a specific protocol that is different for each provider and the capability must exist at the server and the same capability and additional skill must also be present at the agent station. The Web server of Huck merely teaches Internet Protocol and cannot read on the IM server, as claimed.

Further, applicant argues the art of Huck fails to teach a set of routing rules for the communication center; and stored agent data for the communication center, the data including agent availability and IM capability relative to one or more IM protocols; wherein the system consults the communication center routing rules, IM protocol capabilities and the stored agent data to determine an available agent with the needed IM capability, and establishes IM communication between the specific clients and the agent determined to be available and to have the needed IM protocol capability. Huck merely teaches receiving a request, broadcasting the fact of a received message to agents on a network, receiving responses from the agents and determining an agent based upon the responses received. Huck specifically teaches away from applicant's ability to track agent IM protocol capability and availability, as claimed.

Applicant specifically teaches that the IM server consults the communication center routing rules, IM protocol capabilities and the stored agent data to determine an

available agent with the needed IM capability, and establishes IM communication between the specific clients and the agent determined to be available and to have the needed IM protocol capability. Applicant argues that the limitations as recited in applicant's independent claims, as amended, are clearly not shown in the art of Huck. Huck may serve a similar problem, but in an entirely different manner than that as claimed, therefore the 102 rejection fails.

Applicant believes claims 43, 46 and 49, as amended, are clearly patentable over the art of Huck at least as argued above. Dependent claims 44-45, 47-48 and 50-51 are patentable on their own merits, or at least as depended from a patentable claim.

Applicant respectfully requests re-examination and that the case be passed quickly to issue. If there are any extensions of time required beyond an extension specifically petitioned and paid with this response, such extensions are hereby requested. If there are any fees due beyond any fees paid by check with this response, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,
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